

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

FEDERAL TRADE COMMISSION,
STATE OF CALIFORNIA, STATE OF
COLORADO, STATE OF ILLINOIS,
STATE OF INDIANA, STATE OF
IOWA, STATE OF MINNESOTA,
STATE OF NEBRASKA, STATE OF
OREGON, STATE OF TEXAS, and
STATE OF WISCONSIN,

Plaintiffs,

v.

SYNGENTA CROP PROTECTION AG,
SYNGENTA CORPORATION,
SYNGENTA CROP PROTECTION,
LLC, and CORTEVA, INC.,

Defendants.

Case No. 1:22-CV-828

ORDER

This matter was referred to the Court on Plaintiff Federal Trade Commission's Motion to File Portions of the Complaint Temporarily Under Seal [Doc. #2]. A redacted version of the Complaint was filed [Doc. #1], and after discussion among the parties some sealing requests were withdrawn and the parties submitted narrowed redaction requests. Plaintiff then filed an Amended Complaint [Doc. #81] with a Motion to Seal [Doc. #80] and a public redacted version [Doc. #79].

The Amended Complaint and related Motion to Seal narrow the prior sealing request as to the original Complaint. Notably, the Motion to Seal the Amended Complaint has been referred to the District Judge for consideration along with Motions to Dismiss and related Motions to Seal the briefing. On review, and in the circumstances, it appears that the original

Complaint is moot since the operative pleading is now the Amended Complaint, and any issues regarding the scope of sealing can be addressed with regard to the Motion to Seal the Amended Complaint.¹

The Court notes that as part of the Motion to Seal, the Parties also filed a Joint Local Rule 5.5 Report [Doc. #19], which the Court approves. As noted therein, the Parties should file an updated Local Rule 5.5 Report with their Rule 26(f) Report(s) after the case is set for an Initial Pretrial Conference.

IT IS THEREFORE ORDERED that the Motion to Seal [Doc. #2] the original unredacted Complaint is GRANTED, and the original unredacted Complaint [Doc. #3] may remain under seal pending further consideration of the pending motions to seal related to the Amended Complaint.

IT IS FURTHER ORDERED that the Joint Local Rule 5.5 Report [Doc. #19] is approved and adopted.

This, the 24th day of April, 2023.

/s/ Joi Elizabeth Peake
United States Magistrate Judge

¹ The Court also notes that Defendants have raised a significant interest in sealing portions of the original Complaint, given the concerns regarding confidential pricing, revenue, and sales data and competitive business strategies and plans included in the original Complaint. In the circumstances, that compelling interest would outweigh the First Amendment right of access to the original Complaint, particularly given that the original Complaint was not the subject of any judicial review or action and was automatically replaced by the filing of the Amended Complaint. As noted above, any issues regarding sealing portions of the operative Amended Complaint are before the District Judge and can be separately addressed.